

EXHIBIT 2

From: [Paige Stradley](#)
To: [Guidero, Roxana](#); [FICO-MGTeam](#)
Cc: [Godesky, Leah](#); [Rush, Daryn E.](#); tfleming@fredlaw.com; ljanus@fredlaw.com; ryoung@fredlaw.com; [Perez, Sharlean](#); dnorvold@fredlaw.com
Subject: RE: FICO - Defendants' Supplemental Exhibit List
Date: Wednesday, January 25, 2023 12:52:03 PM

Roxane,

The Complaint, Amended Complaint, and Second Amended Complaint were inadvertently included on FICO's exhibit list. We have removed them from FICO's exhibit list that will be filed with the Court today. We disagree that the proper way to deal with this issue is via objection. We understand from your email that Defendants are not willing to remove the Complaint, Amended Complaint, and Second Amended Complaint from their exhibit list. Accordingly, we will be reaching out to Judge Schultz asking that he allow FICO to file an additional motion in limine seeking exclusion of these three new exhibits.

Best,

Paige

Paige Stradley

she/her/hers

Partner

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From: Guidero, Roxana <rguidero@omm.com>

Sent: Wednesday, January 25, 2023 11:43 AM

To: Paige Stradley <PStradley@MerchantGould.com>; FICO-MGTeam <FICO-MGTeam@MerchantGould.com>

Cc: Godesky, Leah <lgodesky@omm.com>; Rush, Daryn E. <drush@omm.com>; tfleming@fredlaw.com; ljanus@fredlaw.com; ryoung@fredlaw.com; Perez, Sharlean <stperez@omm.com>; dnorvold@fredlaw.com

Subject: RE: FICO - Defendants' Supplemental Exhibit List

CAUTION - External.

Hi Paige,

We don't understand FICO's objection to these documents. First of all, all of these documents are also included on **FICO's** exhibit list (Nos. P-0391, P-0398, and P-0399), so any purported objection on the ground that "they are not evidence" is inappropriate. And, in any event, the pleadings—or any portions thereof—are party admissions if offered by Defendants. Furthermore, the proper way to deal with this is in the objections; there's not a need for briefing on every admissibility issue raised by documents included on the parties' exhibit lists.

Roxana Guidero
O: +1-310-246-6751
rguidero@omm.com

From: Paige Stradley <PStradley@MerchantGould.com>

Sent: Tuesday, January 24, 2023 1:31 PM

To: Guidero, Roxana <rguidero@omm.com>; FICO-MGTeam <FICO-MGTeam@MerchantGould.com>

Cc: Godesky, Leah <lgodesky@omm.com>; Rush, Daryn E. <drush@omm.com>; tfleming@fredlaw.com; ljanus@fredlaw.com; ryoung@fredlaw.com; Perez, Sharlean <stperez@omm.com>; dnorvold@fredlaw.com

Subject: RE: FICO - Defendants' Supplemental Exhibit List

[EXTERNAL MESSAGE]

Counsel,

Defendants' supplemental exhibit list provided yesterday identified as new exhibits, among others, the Complaint, Amended Complaint, and the Second Amended Complaint. These pleadings are not proper exhibits; they are not evidence nor is there a witness to lay proper foundation to introduce them. Because Defendants did not identify these documents as exhibits by the required deadline of January 9, 2023, the deadline for FICO to file a motion in limine to exclude reference to these documents has passed. Accordingly, we intend to send a letter to Judge Schultz asking that he allow FICO to file an additional motion in limine seeking exclusion of these three new exhibits. If Defendants are willing to withdraw the Complaint, Amended Complaint, and the Second Amended Complaint from their exhibit list, please let us know by noon Central tomorrow. Otherwise, we will contact the Court.

Best,

Paige

Paige Stradley

[she/her/hers](#)

Partner

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From: Guidero, Roxana <rguidero@omm.com>

Sent: Monday, January 23, 2023 5:15 PM

To: FICO-MGTeam <FICO-MGTeam@MerchantGould.com>

Cc: Godesky, Leah <lgodesky@omm.com>; Rush, Daryn E. <drush@omm.com>;
tfleming@fredlaw.com; ljanus@fredlaw.com; ryoung@fredlaw.com; Perez, Sharlean
<stperez@omm.com>; dnorvold@fredlaw.com

Subject: FICO - Defendants' Supplemental Exhibit List

CAUTION - External.

Counsel,

Attached is Defendants' supplemental exhibit list. A link to a secure website from which you can download the exhibits themselves will follow from Sharlean Perez. As before, while the parties work through their objections and before filing the final exhibit list with the Court, we've assigned each document a temporary control number in lieu of an exhibit number (identified as TC-XXXX).

Defendants' inclusion of these documents on this supplemental exhibit list shall not be construed as a waiver of Defendants' objections to FICO's use of the same documents. Defendants reserve the right to supplement or amend this exhibit list including, but not limited to, in response to the Court's rulings on motions in limine, any stipulations among the parties, other developments in the case, to replace incomplete exhibits, or to provide better copies of exhibits. Defendants reserve the right to present demonstrative exhibits at trial that are not yet developed or included on this list, as well as use exhibits for impeachment or rebuttal that are not included on this list. Furthermore, Defendants do not intend to waive any objections regarding the admissibility of any evidence, including objections set forth in any forthcoming motions in limine.

Best,

O'Melveny

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Counsel

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